

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on August 3, 2004 at 6:58 p.m. after a 6:30 p.m. caucus session.

Mayor Carter presiding.

Mayor Carter led the Pledge of Allegiance to the United States of America.

The following members of the Council answered roll call: Absent Commissioner Mark Donnell, YEA Commissioner Harold Gambill, YEA Commissioner Jerrold Hesse, YEA Commissioner David Schilling, YEA Mayor David E. Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to approve the minutes of the regular meeting held on July 20, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Schilling moved to approve bills and payroll for the second half of July.

Bills and Payroll

General Fund

Payroll		\$ 247,822.01
Bills		<u>\$ 38,210.38</u>
	Total	\$ 286,032.39

Hotel Tax Fund

Payroll		\$ 2,075.23
Bills		<u>\$ 1,900.49</u>
	Total	\$ 3,975.72

Festival Management

Bills		<u>\$ 10,955.11</u>
	Total	\$ 10,955.11

Capital Project

Bills		<u>\$ 23,832.98</u>
		\$ 23,932.98

Water Fund

Payroll		\$ 31,308.39
Bills		<u>\$ 65,196.60</u>
	Total	\$ 96,504.99

Sewer Fund

Payroll		\$ 29,431.01
Bills		<u>\$ 17,132.09</u>

	Total	\$ 46,563.10
<u>Cemetery Fund</u>		
Payroll		\$ 2,167.94
Bills		<u>\$ 6,506.29</u>
	Total	\$ 8,674.23
<u>Health Insurance</u>		
Bills		<u>\$ 53,226.14</u>
	Total	\$ 53,226.14
<u>Revolving Loan</u>		
Bills		<u>\$ 200.00</u>
	Total	\$ 200.00
<u>Motor Fuel Tax</u>		
Bills		<u>\$ 51,713.16</u>
	Total	\$ 51,713.16

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Schilling moved to adopt Ordinance 2004-5183, clarifying the appointment authority for the positions of Police Chief and Deputy Police Chief and abolishing the office of Assistant Police Chief.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2004-5183

AN ORDINANCE CLARIFYING THE APPOINTMENT AUTHORITY FOR THE POSITIONS OF POLICE CHIEF AND DEPUTY POLICE CHIEF AND ABOLISHING THE OFFICE OF ASSISTANT POLICE CHIEF

WHEREAS, the Code of Ordinances of the City of Mattoon presently lack clarity as to who shall appoint and evaluate the performance of the Police Chief; and

WHEREAS, the Code of Ordinances presently provide for an Assistant Police Chief appointed by the Board of Fire and Police Commissioners and two Deputy Police Chiefs appointed by the Police Chief; and

WHEREAS, the City Council desires to clarify and correct ambiguities in the Code of Ordinances before appointing a new Police Chief to succeed Joe Plummer.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Sections §34.15 through §34.17 of the Code of Ordinances of the City of Mattoon are hereby amended by

repealing these entire sections and adopting new sections, which shall read as follows:

POLICE DEPARTMENT

§ 34.15 MEMBERSHIP

The Police Department shall consist of the Police Chief, Deputy Police Chief and such Captains, Lieutenants, Sergeants, Patrol Officers, Telecommunicators, Special Police, Temporary Police and other positions as may be authorized by the City Council. Except for the Police Chief and Deputy Police Chief positions, sworn officers of the Police Department are appointed, promoted and disciplined according to standards and procedures managed by the Board of Fire and Police Commissioners. Appointments and promotions are subject to ratification by the City Council.

§ 34.16 POLICE CHIEF

- (A) The Police Chief shall be the highest-ranking position of the Police Department. The Police Commissioner with the advice and consent of the City Council shall appoint and evaluate the performance of the Police Chief. The person appointed to the position of Police Chief shall be nominated solely on the basis of training, qualifications and experience in the administration of a local law enforcement agency. The City Council and the Police Chief may enter into an Employment Agreement with respect to terms and provisions of employment that may provide for salary, salary adjustments, fringe benefits, severance provisions and payment and other remuneration and benefits of office.
- (B) The Police Chief shall be the departmental director of the Police Department. The Chief shall manage affairs of the department subject to general policy guides provided by the Police Commissioner and City Council. The Chief implements departmental strategies consistent with goals and objectives approved by the City Council. The Chief assigns officers and employees to different tasks and shifts and evaluates performance of departmental employees.
- (C) The Police Chief manages the human resource and financial administration functions of the department in coordination with the City Administrator, City Attorney and Treasurer. The Chief, with the approval of the City Council, prescribes departmental policies and rules as may be necessary to the discipline and efficiency of the police service. The Chief assists in the negotiation of successor collective bargaining agreements. The Chief has custody of property of the municipality assigned to the Police Department.
- (D) The Police Chief shall cause to be served all writs, summons, warrants, processes and executions placed in his or her hands. The Chief shall assist the City Attorney in the prosecution of municipal ordinance violations and in the collection of fines.
- (E) The Police Chief shall keep a record of all arrests, the nature of the charge, the final disposition of the case, the amount of the fine, if imposed, and other statistics required by state and federal law enforcement agencies. From such records, the Chief shall make monthly reports to the City Council of activities of the Department.
- (F) The Police Chief or his designee attends all meetings of the City Council.

(G) If a member of the Mattoon Police Department is appointed Police Chief prior to being eligible to retire on pension, he shall be considered as on furlough from the rank he held immediately prior to his appointment as Chief. If he resigns as Chief or is discharged as Chief prior to attaining eligibility to retire on pension, he shall revert to and be established in whatever rank he currently holds, except for previously appointed positions, and thereafter be entitled to all the benefits and emoluments of that rank, without regard as to whether a vacancy then exists in that rank.

(H) A Police Chief having been appointed from among members of the Mattoon Police Department shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified rank than he or she currently holds, without having to resign as Police Chief.

(I) The Police Chief may be removed or discharged from the Police Chief position with or without cause according to procedures specified by 65 ILCS 5/10-2.1-4. In such case, the Police Commissioner shall file with the City Council the reasons for such removal or discharge, which removal or discharge shall not become effective unless confirmed by a majority vote of the City Council.

§ 34.17 DEPUTY POLICE CHIEF

(A) There is established authority for up to two Deputy Police Chief positions as may be authorized by the City Council. The deputy chief position shall be an exempt rank immediately below that of Chief.

(B) A Deputy Police Chief may be appointed from any rank of sworn, full-time officers of the Mattoon Police Department, but must have at least 5 years of full-time service as a police officer in that department. A Deputy Chief shall serve at the discretion of the Police Chief and, if removed from the position, shall revert to the rank currently held, without regard as to whether a vacancy exists in that rank.

(C) A Deputy Police Chief, having been appointed from any rank of sworn full-time officers of the Mattoon Police Department, shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified rank than he or she currently holds, without having to resign as Deputy Police Chief.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Hesse, seconded by Commissioner Schilling, adopted this 3rd day of August, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Gambill, Commissioner Hesse,
Commissioner Schilling, Mayor Carter

NAYS (Names): None

ABSENT (Names): Commissioner Donnell

Approved this 3rd day of August, 2004.

/s/ David E.Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 4th, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Gambill moved to adopt Special Ordinance 2004-1035, approving an employment agreement with Larry Metzelaars for service as Police Chief, effective retroactive to July 1, 2004.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2004-1035

AN ORDINANCE RATIFYING THE APPOINTMENT OF LARRY METZELAARS TO THE POLICE CHIEF POSITION

BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. The City Council hereby ratifies the Police Commissioner's appointment of Larry Metzelaars to the Police Chief position as well as an employment agreement, a copy of which is attached hereto and incorporated herein by reference.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Hesse, seconded by Commissioner Gambill, adopted this 3rd day of August, 2004, by

a roll call vote, as follows:

AYES: (Names): Commissioner Gambill, Commissioner Hesse,
Commissioner Schilling, Mayor Carter
NAYS (Names): None
ABSENT (Names) Commissioner Donnell

Approved this 3rd day of August, 2004.

/s/ David E. Carter
David E. Carter, Mayor
City of Mattoon, Coles County, Illinois

ATTEST

APPROVED AS TO FORM

/s/ Susan O'Brien
Susan O'Brien, City Clerk

/s/J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 4, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to adopt Special Ordinance 2004-1038, annexing territory located in the south half of the northeast quarter of Section 35, Township 12 North at 4555 South US Hwy 45.

SPECIAL ORDINANCE NO. 2004-1038

**AN ORDINANCE ANNEXING CERTAIN TERRITORY TO
THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**

WHEREAS, First Mid-Illinois Bank & Trust N.A., as Trustee of Trust 44-000550 has heretofore presented a Petition for Annexation of certain territory to the City of Mattoon, Coles County, Illinois, described as follows:

A portion of all that part of the South half (S ½) of the Northeast quarter (NE 1/4) of Section thirty-five (35), Township twelve (12) North, Range seven (7) East of the 3rd Principal Meridian lying West of the Westerly right of way line of US Route 45, except the East 350 feet of even width thereof, more particularly described as:

Commencing at the intersection of the South line of the South half (S ½) of the Northeast quarter (NE 1/4) of Section thirty-five (35), Township twelve (12) North, Range seven (7) East of the 3rd Principal Meridian and the West right of way line of US Route 45 (SBI Route 25), thence azimuth 269 degrees 46 minutes 08 seconds along the South line of the North half (N ½) of Section thirty-five (35), Township twelve (12) North, Range seven (7) East of the 3rd Principal Meridian a distance of 350.0 feet to the point of beginning, thence azimuth 269 degrees 46 minutes 08 seconds, 422.68 feet, thence azimuth 0 degrees 00 minutes 00 seconds, 236.0 feet, thence azimuth 89 degrees 46 minutes 08

seconds, 422.68 feet, thence azimuth 180 degrees 00 minutes 00 seconds, 236.0 feet to the point of beginning, located in Mattoon Township, Coles County, Illinois (tax bill 07-1-01396-000);

which Petition requests that said territory be annexed to the City of Mattoon, Coles County, Illinois, and is signed by 100% of the owners of record all real estate contained within said described territory; and,

WHEREAS, the City Council of the City of Mattoon, Coles County, Illinois, has determined that said territory is contiguous to the City of Mattoon and that the territory does not lie in any other municipality, and that all of the owners of said territory have executed the Petition for Annexation; and,

WHEREAS, the owners of record have given notice to the Trustees of the Wabash Fire Protection District of the presentation of the Petition to the City Council for the City of Mattoon, Coles County, Illinois, pursuant to the provisions of 65 ILCS 5/7-1-1.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:

SECTION I

That the territory legally described as follows:

A portion of all that part of the South half (S ½) of the Northeast quarter (NE 1/4) of Section thirty-five (35), Township twelve (12) North, Range seven (7) East of the 3rd Principal Meridian lying West of the Westerly right of way line of US Route 45, except the East 350 feet of even width thereof, more particularly described as:

Commencing at the intersection of the South line of the South half (S ½) of the Northeast quarter (NE 1/4) of Section thirty-five (35), Township twelve (12) North, Range seven (7) East of the 3rd Principal Meridian and the West right of way line of US Route 45 (SBI Route 25), thence azimuth 269 degrees 46 minutes 08 seconds along the South line of the North half (N ½) of Section thirty-five (35), Township twelve (12) North, Range seven (7) East of the 3rd Principal Meridian a distance of 350.0 feet to the point of beginning, thence azimuth 269 degrees 46 minutes 08 seconds, 422.68 feet, thence azimuth 0 degrees 00 minutes 00 seconds, 236.0 feet, thence azimuth 89 degrees 46 minutes 08 seconds, 422.68 feet, thence azimuth 180 degrees 00 minutes 00 seconds, 236.0 feet to the point of beginning, located in Mattoon Township, Coles County, Illinois (tax bill 07-1-01396-000);

be and the same is hereby annexed to the City of Mattoon, Coles County, Illinois, a Municipal Corporation.

SECTION II

A copy of this Ordinance annexing the territory shall be recorded with the County Clerk and Recorder of Coles County, Illinois.

PRESENTED this 3rd day of August, 2004

PASSED this 3rd day of August, 2004

APPROVED this 3rd day of August, 2004.

/s/ David E. Carter
Mayor, City of Mattoon

ATTEST:

/s/ Susan J. O'Brien
City Clerk of Mattoon

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to adopt Special Ordinance 2004-1039, rezoning territory located in the south half of the northeast quarter of Section 35, Township 12 North at 4555 South US Hwy 45 from R-S to C-4 to enable warehousing and outside sales on the real estate.

SPECIAL ORDINANCE NO. 2004-1039

WHEREAS, there has been filed a written Petition to Re-zone respecting the property legally described as:

A portion of all that part of the South half (S ½) of the Northeast quarter (NE ¼) of Section thirty-five (35), Township twelve (12) North, Range seven (7) East of the 3rd Principal Meridian lying west of the Westerly right of way line of US Route 45, except the East 350 feet of even width thereof, more particularly described as:

Commencing at the intersection of the South line of the South half (S ½) of the Northeast quarter (NE ¼) of Section thirty-five (35), Township twelve (12) North, Range seven (7) East of the 3rd Principal Meridian and the West right of way line of US Route 45 (SBI Route 25), thence azimuth 269 degrees 46 minutes 08 seconds along the South line of the North half (N ½) of Section Thirty-five (35), Township Twelve (12) North, Range seven (7) East of the 3rd Principal meridian a distance of 350.0 feet to the point of beginning, thence azimuth 269 degrees 46 minutes 08 seconds, 422.68 feet, thence azimuth 0 degrees 00 minutes 00 seconds, 236.0 feet, thence azimuth 89 degrees 46 minutes 08 seconds, 422.68 feet, thence azimuth 180 degrees 00 minutes 00 seconds, 236.0 feet to the point of beginning, located in Mattoon Township, Coles County, Illinois (tax bill 07-1-01-396-000). Said petition requests that the subject property be rezoned as C-4, pursuant to applicable City Ordinances so as to be similar to adjoining property and uses.

WHEREAS, a public hearing was held on July 7, 2004, regarding petition's request for variance.

WHEREAS, both the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested zoning be granted.

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended change is in the public interest.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Mattoon, Coles County, Illinois, that the property legally described as aforesaid, be and the same is granted zoned as C-4.

PRESENTED this 3rd day of August, 2004.

PASSED this 3rd day of August, 2004.

APPROVED this 3rd day of August, 2004.

/s/David E.Carter

Mayor of the City of Mattoon

Attest:

/s/ Susan J. O'Brien

City Clerk

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Gambill moved to adopt Special Ordinance 2004-1040, granting a variance from the Zoning Code to enable construction and use of a two family dwelling unit at 600 Marion Avenue Lots 11 and 12 in Block 12 in Clark Addition to the City of Mattoon.

SPECIAL ORDINANCE NO. 2004-1040

WHEREAS, there has been filed a written Petition to Re-zone, or in the alternative, for a Variance, respecting the property legally described as Lots 11 and 12 in Block 12 in Clark's addition to the City of Mattoon, Coles County, Illinois, commonly known as 600 Marion. Said petition requests that a variance be granted so as to construct one duplex on said lots, pursuant to applicable City Ordinance.

WHEREAS, A PUBLIC HEARING WAS HELD ON July 7, 2004, regarding petitioner's request for variance.

WHEREAS both the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested variance be granted, and

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended change is in the public interest.

NOW THEREFORE, BE IT ORDAINED by the City Council for the City of Mattoon, Coles County, Illinois, that the property legally described as aforesaid, be and the same is granted a variance as requested so as to construct one duplex on said lots.

PRESENTED this 3rd day of August, 2004.

PASSED this 3rd day of August, 2004.

APPROVED this 3rd day of August, 2004.

/s/ David E. Carter

Mayor

Attest

/s/Susan J. O'Brien

City Clerk

Mayor Carter opened the floor for discussion. Mayor Carter inquired about placing specifically one duplex on the lots and not two duplexes. Attorney David Nelson replied the special ordinance stated one duplex on said lot.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to adopt Ordinance 2004-5186, amending Section 98.41 of the Mattoon Code of Ordinances to repeal the Park Superintendent's discretionary authority to grant permits for the use of any flying device or parachute on Lake Paradise and Lake Mattoon.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2004-5186

AN ORDINANCE AMENDING SECTION 98.41 OF THE MATTOON CODE OF ORDINANCES TO REPEAL THE PARK SUPERINTENDENT'S DISCRETIONARY AUTHORITY TO GRANT PERMITS FOR THE USE OF ANY FLYING DEVICE OR PARACHUTE ON LAKE PARADISE AND LAKE MATTOON

BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Section §98.41 of Chapter 98 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

98.41 FLYING DEVICES.

It shall be unlawful for any person to make an ascent in any balloon, aero plane, hydroplane or any other device or any descent in any aero plane, balloon, hydroplane, or other flying device or parachute,

~~in zones, A, B, C, D, or E within 500 feet of on the reservoirs. without first procuring a written permit from the Reservoir Control Commissioner Park Superintendent.~~

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Gambill, adopted this 3rd day of August, 2004, by a roll call vote, as follows:

AYES (Names) Commissioner Gambill, Commissioner Hesse,
Commissioner Schilling, Mayor Carter

NAYS (Names): None

ABSENT (Names): Commissioner Donnell

Approved this 3rd day of August, 2004.

/s/ David E. Carter

David Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 4th , 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to adopt Resolution 2004-2557, authorizing Camp New Hope to enter into a mortgage agreement to secure a loan for the building of a Respite Center for persons who have mental and/or physical disabilities.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2004-2557

A RESOLUTION AUTHORIZING CAMP NEW HOPE, INC TO ENTER INTO A MORTGAGE

**AGREEMENT TO SECURE A LOAN FOR THE BUILDING OF A RESPITE CENTER TO SERVE
PERSONS WHO HAVE MENTAL AND/OR PHYSICAL DISABILITIES**

**BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY,
ILLINOIS AS FOLLOWS:**

Section 1. Camp New Hope, Inc. is authorized to enter into a mortgage agreement with any bank located in the State of Illinois that may encumber land the City of Mattoon conveyed to Camp New Hope, Inc. pursuant to Special Ordinance No. 2004-1034 subject to the terms described in this resolution.

Section 2. Said mortgage agreement may secure a loan of not more than two hundred thousand dollars (\$200,000.00) for the building of a Respite Center to serve people who have mental and/or physical disabilities.

Section 3. The Mayor and City Clerk are authorized to sign such other documents that may be required by the lending bank provided they conform in all respects to the terms of Special Ordinance No. 2004-1034 and this resolution and subject to the approval of the City Attorney.

Upon motion by Mayor Carter, seconded by Commissioner Schilling, adopted this 3rd day of August, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Gambill, Commissioner Hesse
 Commissioner Schilling, Mayor Carter

NAYS (Names): None

ABSENT (Names): Commissioner Donnell

Approved this 3rd day of August, 2004.

/s/ David E. Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 4th, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Gambill moved to approve Council Decision Request 2004-338, authorizing expenditures incidental to preliminary commitments for title insurance and appraisal services for the sale or lease of real estate which in the opinion of the City Council is no longer necessary or required for the use of the municipality.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Hesse moved to approve Council Decision Request 2004-339, authorizing a five-year lease for a Xerox WorkCentre Pro 35 to be located in the City Clerk's Office.

Mayor Carter opened the floor for discussion. No. discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Schilling moved to approve Council Decision Request 2004-340, approving the promotion of Lt. Gregory R. Voudrie to the rank of Captain in the Police Department as recommended by the Board of Fire and Police Commissioners.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Hesse moved to approve Council Decision Request 2004-341, approving the promotion of Sgt. Howard Carman to the rank of Lieutenant in the Police Department as recommended by the Board of Fire and Police Commissioners.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Mayor Carter moved to approve Council Decision Request 2004-342, approving the promotion of Police Officer Ray Hall to the rank of Sergeant in the Police Department as recommended by the Board of Fire and Police Commissioners.

Mayor Carter opened the floor for discussion. No discussion

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter opened the floor for public discussion. AFSCME Local 31 President Tim Spidle addressed the Council with concerns of outsourcing mowing at Dodge Grove Cemetery and Lake Paradise, presented about 1,000 signed postcards representing other citizens with those concerns, inquired where the savings were from non-replaced retired employees, and questioned the expenditures of hiring new management and numbers of management. Council replied with the savings as covering the costs of rising health insurance and pensions, and requested information to dispel management figures for the next meeting.

Mr. Darrin Gordon questioned the Council over a management employee mowing his lawn in the morning and working late morning, outsourcing of tree cutting, the city manager's public relations, and the City not installing his mother's driveway. Public Works Director David Wortman and the Council responded that the management employee probably had a vacation day (later verified as vacation time), the City has not outsourced the tree trimming but CIPS may be trimming trees around the power lines, and there was a City ordinance on driveway replacement at owner's expense. City Administrator Richard Underkofler was on vacation during the meeting.

Director Wortman disputed the comment from an individual that the cemetery was in shambles, and that changed policies were the effect of not mowing areas at Lake Paradise that were previously mowed. City employee, Kevin Hamilton, and Mr. Spidle disagreed with the Lake Paradise mowing and savings of money.

Mr. Charles Croft stated that Lake Paradise needed another man to mow that area, and inquired about more police officers for the area. Director Wortman stated that Lake Paradise was outside the City limits, which was beyond the City's police protection.

Mrs. Wanda Ferguson questioned Commissioner Hesse about moving the dispatchers out to 911. Commissioner Hesse responded that a study determined the City would not saved a substantial amount by relocating the dispatchers to 911; therefore, the dispatchers were not being relocated to 911.

Mr. Larry Livingston inquired about his renter's high water bill due to a water pipe break. Council stated they would abide by the ordinance, have to treat everyone the same, and Commissioner Schilling would get back with Mr. Livingston.

Ms. Angel Cloyd inquired about the added position for dispatchers, previously had applied for the position, and felt she was discriminated at the time. Council stated that the position would be advertised, and that she should apply.

Mr. Ivan Croy made a statement with regard to his water being shut off, believes the policy is bad, and telephoning him first would have solved the situation.

Mayor Carter seconded by Commissioner Schilling moved to recess to closed session pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5ILCS120(2) (c) (1), the purchase of real property for the use of the municipality (5 ILCS 120 (2)(5), litigation affecting or on behalf of the City of Mattoon (5ILCS 120/2(c) 11); review and discussion of minutes of meetings lawfully closed under the Act that may be released to the public (5 ILCS 120/2(c) (21) including: Resolution 2004-2558, giving notice to the State that the City of Mattoon will begin to finance its unemployment compensation exposures on a reimbursable basis, effective January 1, 2005; review performance appraisal reports for

Marsha True, Administrative Assistant; Special Ordinance 2004-1041, authorizing the acquisition of the Gowin Restaurant Building at 1700 Broadway Avenue with the assistance of a grant; Circuit Court Case 2004-CH-19, Mattoon I-57 TIF District; Council Decision Request 2004-343, authorizing public release of minutes from closed sessions at 7:44 p.m.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Council reconvened at 8:48 p.m. from closed session.

Council reviewed some of the postcards brought to the Council by AFSCME Local #31.

Commissioner Hesse seconded by Commissioner Schilling moved to adopt Council Decision Request 2004-333, authorizing the Police Chief to recruit and hire replacement employees sufficient to maintain six full time equivalent positions in the Mattoon dispatching function.

Mayor Carter opened the floor for discussion. Commissioner Gambill announced that employees and new hires could be subject to change in the future.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to adjourn at 8:54 p.m.

Mayor Carter declared the motion carried by the following vote: Absent Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

/s/Susan J. O'Brien
City Clerk